

**BY ORDER OF THE COMMANDER
341ST SPACE WING**



**MALMSTROM AIR FORCE BASE
INSTRUCTION 31-213**

30 NOVEMBER 1999

Security

**ARMED FORCES DISCIPLINARY CONTROL
BOARD**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements **Air Force Joint Instruction (AFJI) 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations***, and prescribes procedures for the establishment, operation, and coordination of the Armed Forces Disciplinary Control Board (AFDCB). This instruction does not address the use of off-installation liaison and operations. This instruction applies to all personnel assigned to the 341st Space Wing and subordinate units, and personnel assigned or attached to, or supported by, Malmstrom Air Force Base.

This instruction requires collection and maintenance of information protected by the Privacy Act of 1974. The authorities to collect and maintain the records prescribed in this instruction are 10 United States Code (U.S.C.) 8013, 44 U.S.C. 3101, and Executive Order 9397. Privacy Act Statements required by **AFI 37-132, *Air Force Privacy Act Program***, for those forms subject to those provisions are either incorporated into the form or in an accompanying document. System of records notice F031 AF SP C, *Complaint/Incident Reports*, and F031 AF SP D, *Field Interview Card* apply.

SUMMARY OF REVISIONS

The revision of this publication is to meet the format standards required by Air Force. No significant content material has changed, only designation changes have been made. Some required format changes have been made to allow for the conversion process.

1. Responsibilities:

1.1. The installation commander is responsible for establishing the AFDCB. The sponsoring commanders will provide administrative support for AFDCB programs to include:

1.1.1. Promulgating implementing directives and convening the board. This includes appointing a board president and determining by position which board members will be voting members.

1.1.1.1. Ensuring board composition is structured to the needs of the command. The board should include members from law enforcement, legal, medical, military equal opportunity, public affairs, fire and safety, chaplain services, community activities, and consumer affairs.

1.1.1.2. Participation by civil agencies or individuals is highly encouraged. They may be invited as observers or witnesses when they are aware of problem areas within the board's jurisdiction.

1.1.2. Providing a recorder for the board.

1.1.3. Providing copies of the minutes of board meetings to commanders and services who are represented on the board, and to other AFDCBs as appropriate.

1.1.4. Approving or disapproving the minutes and recommendations of the board, and making the appropriate distribution as required. Announcements and summaries of board results may be provided to appropriate civil agencies.

1.1.5. Publishing lists of off-limits establishments and areas.

1.1.6. Ensuring that responsible individuals are notified of any unfavorable actions being contemplated or taken regarding their establishments per the Armed Forces Disciplinary Control Board Procedures Guide ([Attachment 1](#)).

1.1.7. Distributing pertinent information to all the units within the jurisdictional area and units stationed in other areas whose personnel frequent their area of jurisdiction.

1.1.8. Ensuring that procedures are established to inform all service personnel, including those who may be visiting or are in travel status, of off-limits restrictions in effect within the jurisdictional area.

1.2. The board president will follow the guidelines provided in the Armed Forces Disciplinary Control Board Procedures Guide ([Attachment 1](#)).

1.3. The AFDCB will receive reports and take appropriate action on conditions in their area of responsibility relating to any of the following:

1.3.1. Disorders and lack of discipline.

1.3.2. Prostitution.

1.3.3. Sexually transmitted disease.

1.3.4. Liquor violations.

1.3.5. Racial or other discriminatory practices.

1.3.6. Alcohol and drug abuse.

1.3.7. Drug abuse paraphernalia.

1.3.8. Criminal or illegal activities involving cults or hate groups.

- 1.3.9. Illicit gambling.
- 1.3.10. Areas susceptible to terrorist activity.
- 1.3.11. Unfair commercial or consumer practices.
- 1.3.12. Other undesirable conditions that may adversely affect military members and their families.

1.4. Coordinate with appropriate civil authorities on problems or adverse conditions in the board's area of jurisdiction.

1.5. Make recommendations to commanders concerning off-installation procedures to prevent and control undesirable conditions.

2. Purpose. The purpose of establishing an AFDCB is to advise and make recommendations to commanders on matters concerning elimination of conditions which adversely affect the health, safety, morals, welfare, morale and discipline of the Armed Forces.

3. Administration:

3.1. Commanders are authorized to acquire, report, process, and store information concerning persons and organizations, whether or not affiliated with DoD, according to the applicable service regulations of the sponsoring commander, which adversely affects the discipline of service members regardless of status or describes crimes conducive to conditions where there is a direct service interest.

3.2. Information described above may be filed by organization. However, it will not be retrievable on the basis of individual personal identification data (social security number, name, or address).

3.3. The AFDCB will function under the supervision of a president.

3.4. Certain expenses incurred by service members in the course of an official board investigation or inspection may be reimbursable per appropriate service finance regulations or instructions. Request for reimbursement will be submitted through the sponsoring commander.

3.5. Records of board proceedings will be maintained as prescribed by records management policies and procedures of the sponsoring commander's service.

4. Off-limits Establishments and Areas:

4.1. The establishment of off-limits areas is a function of Command. It may be used by commanders to help maintain good discipline, health, morale, safety, and welfare of service members. Off-limits actions are also intended to prevent service members from being exposed to or victimized by crime-conducive conditions. Where sufficient cause exists, commanders retain substantial discretion to declare establishments and areas temporarily off-limits to personnel of their respective commands in emergency situations. Temporary off-limits restrictions issued by the commanders in an emergency situation will be acted upon by the AFDCB as a first priority. As a matter of policy, a change of ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.

4.2. Service members are prohibited from entering establishments or areas declared off-limits according to this instruction. Violations may subject the member to disciplinary action per applicable service regulations, and the Uniform Code of Military Justice (UCMJ). Family members of service

members and others associated with the service or installation should be made aware of the off-limit restrictions. As a general policy, these establishments will not be visited by service law enforcement personnel unless specifically determined by the installation commander that visits or surveillance is warranted.

4.3. Prior to initiating AFDCB action, the installation commander will attempt to correct adverse conditions or situations through the assistance of civic leaders or officials.

4.4. Prior to recommending an off-limits restriction, the AFDCB will send a written notice (certified mail-return receipt requested) to the individual or firm responsible for the alleged condition or situation. The AFDCB will specify a reasonable amount of time for the condition or situation to be corrected, along with the opportunity for the individual or firm to present any relevant information to the board. If subsequent investigation reveals the responsible individual has failed to take corrective action, the board will recommend the imposition of the off-limits restriction.

4.5. A specified time limit will not be established when an off-limits restriction is invoked. The adequacy of corrective action taken by the responsible individual will be the determining factor in removing an off-limits restriction.

4.6. A person whose establishment or area has been declared off-limits may at any time petition the president of the board to remove the off-limits restriction. The petition will be in writing and will include a detailed report of action taken to eliminate the condition or situation that caused imposition of the restriction. The president of the AFDCB may direct an investigation to determine the status of the corrective actions noted in the petition. The board will either recommend the removal or continuation of the off-limit restriction to the installation commander based on the results of the investigation.

4.7. Off-limits procedures to be followed by the boards are in [Attachment 1](#). Off-Limits signs will not be posted on civilian establishments by U.S. military authorities.

J. GREGORY PAVLOVICH, Colonel, USAF
Commander

Attachment 1**ARMED FORCES DISCIPLINARY CONTROL BOARD (AFDCB) PROCEDURES GUIDE**

A1.1. PURPOSE. This guide prescribes procedures for the establishment, operation, and coordination of Armed Forces Disciplinary Control Board (AFDCB) . AFDCB proceedings are not adversarial in nature.

A1.2. MEETINGS. The board meets as often as determined by the installation commander or sponsoring commander establishing the AFDCB. This may be quarterly or as situations dictate, such as an area or establishment being placed in a temporary off-limits status. The establishing commander may specify whether the meetings will be open or closed. If not specified, the decision is at the discretion of the board president. Normally proceedings are closed, but may be open to the public when circumstances warrant.

A1.2.1. Special meetings may be called by the president of the board. Except by unanimous consent of members present, final action will be taken only on the business for which the meeting has been called.

A1.2.2. A majority of voting members constitutes a quorum for board proceedings.

A1.3. BOARD COMPOSITION. The 341st Support Group Commander (341 SPTG/CC) or designee is the AFDCB president. Duties of the president are to schedule and preside at all AFDCB meetings. The president will provide an agenda to each voting member at least 72 hours prior to the meeting. The president also ensures records, minutes, and correspondence are prepared, distributed, and maintained per this instruction. The following are designated as board members. *Italics indicate voting members:*

341 SFS/CC or designee

AFOSI

341 SW/JA

341 MDG/CC or designee

341 SW/PA

341 SW/ME

341 SW/SE

341 SW/HC

AF Air National Guard/CC or designee

341 SW/CCC

First Sergeants Council President

A1.4. ATTENDANCE OF OBSERVERS OR WITNESSES. The board may invite individual persons or organization representatives as witnesses or observers if they are necessary or appropriate to the board proceedings. These visitors may assist in addressing installation or command issues, but will not vote on any action or procedure. Invited witnesses and observers will be listed in the minutes of the meeting.

A1.5. APPROPRIATE AREAS FOR BOARD CONSIDERATION.

A1.5.1. Boards will study and take appropriate action on all reports of conditions considered detrimental to the good discipline, health morals, welfare, safety, and morale of Armed Forces personnel. These adverse conditions include, but are not limited to, those identified in paragraph 1.3. of this publication.

A1.5.2. The board will immediately forward to the wing commander reported circumstances involving discrimination based on race, color, sex, religion, age, or national origin.

A1.6. OFF-LIMIT PROCEDURES.

A1.6.1. Off-limit restrictions should be invoked only when there is substantive information indicating that an establishment or area frequented by Armed Forces personnel presents conditions which adversely affect their health, safety, welfare, and morale. It is essential the boards do not act arbitrarily. Actions must not be of a punitive nature. Boards should work in close cooperation with local officials and proprietors of business establishments and seek to accomplish their mission through mutually cooperative efforts.

A1.6.2. Boards should encourage personal visits by local military, civilian enforcement, or health officials to establishments considered below standard. AFDCBs should point out unhealthy conditions or undesirable practices to establishment owners or operators to produce the desired corrective action.

A1.6.3. In cases involving discrimination, the board should not rely solely on letters written by the Equal Opportunity Office, Military Affairs Committee, or investigations of alleged racial discrimination.

A1.6.4. If the board decides to attempt to investigate or inspect an establishment, the president or designee will prepare and submit a report of findings and recommendations at the next meeting. This procedure will ensure complete and documented information exists concerning questionable adverse conditions.

A1.6.5. When the board concludes that conditions adverse to Armed Forces personnel do exist, the owner or manager will be sent a letter of notification (**Attachment 3**). This letter will advise him or her to raise standards by a specific date, and, if such conditions or practices continue, off-limits pro-

ceedings will be initiated. Any correspondence with the individuals responsible for adverse conditions which may lead to off-limits action will be by certified mail.

A1.6.6. If the proprietor takes remedial action to correct undesirable conditions previously noted, the board should send a letter of appreciation ([Attachment 4](#)) recognizing this cooperation.

A1.6.7. If undesirable conditions are not corrected, the proprietor will be invited to appear before the AFDCB to explain why the establishment should not be placed off-limits ([Attachment 5](#)). Any proprietor may designate in writing a representative to appear before the board on his or her behalf.

A1.6.8. In cases where proprietors have been invited to appear before the board, the president of the board will perform the following:

A1.6.8.1. Prior to calling the proprietor, review the findings and decision of the previous meeting, call for inspection reports, and allow those present to ask questions and discuss the case.

A1.6.8.2. When the proprietor or the representative is called before the board, the proprietor will be presented a brief summary of the complaint concerning the establishment. Afford the proprietor an opportunity to present matters in defense. Invite those present to question the proprietor. After the questioning period, allow the proprietor the opportunity to make a final statement before being dismissed.

A1.6.9. Deliberations on recommended actions will be in closed session, attended by board members.

A1.6.10. The board should recommend an off-limits restriction only after the following:

A1.6.10.1. The letter of notification has been sent.

A1.6.10.2. An opportunity for the proprietor to appear before the board has been extended.

A1.6.10.3. Further investigation indicates improvements have not been made.

A1.6.11. The minutes will indicate the AFDCB's action in each case. When a recommendation is made to place an establishment off-limits, the minutes will show the procedural steps followed in reaching the decision.

A1.6.12. Recommendations of the AFDCB will be submitted to the installation commander for consideration. The recommendations will then be forwarded to other commanders represented on the board. If no objection is received within 10 days, the installation commander will approve or disapprove the recommendations and forward the decision to the AFDCB president.

A1.6.13. Upon approval of the AFDCB's recommendations, the president will write the proprietor that off-limits restriction has been imposed ([Attachment 6](#)).

A1.6.14. A time limit should not be specified when an off-limits restriction will be revoked. The adequacy of the corrective action taken by the proprietor of the establishment must be the determining factor in removing the off-limits restriction.

A1.6.15. Military authorities may not post off-limits signs or notices on private property.

A1.6.16. In emergencies, commanders may temporarily declare establishments off-limits to service members under their jurisdiction. The circumstances for the action will be reported as soon as possible to the installation commander. Detailed justification for this emergency action will be provided to the board for its deliberations.

A1.6.17. The installation commander will publish a list of off-limits establishments and areas using command and media channels.

A1.7. REMOVAL OF OFF-LIMITS RESTRICTIONS.

A1.7.1. Removal of an off-limits restriction requires AFDCB action. Proprietors of establishments declared off-limits should be advised that they may appeal to the appropriate AFDCB at any time. In their appeal they should submit the reason why the restriction should be removed. A letter of notification for continuance of the off-limits restriction should be sent to the proprietor if the AFDCB does not remove the off-limits restriction ([Attachment 7](#)). The proprietor may appeal to the next higher commander if not satisfied with continuance after exhausting all appeals with the local installation commander. Boards should make at least quarterly inspections of off-limits establishments. A statement that an inspection has been completed should be included in the AFDCB minutes.

A1.7.2. When the board learns the proprietor has taken adequate corrective measures, the AFDCB will take the following actions:

A1.7.2.1. Discuss the matter at the next meeting and make appropriate recommendations.

A1.7.2.2. Forward a recommendation for the removal of the off-limits restriction to the installation commander. If approved, a letter removing the restriction ([Attachment 8](#) or [Attachment 9](#)) will be sent to the proprietor.

A1.7.2.3. The minutes will reflect action taken.

A1.8. PUBLIC AFFAIRS.

A1.8.1. Due to the sensitive nature of the subject matter, there will not be a media release in connection with AFDCB meetings. However, any AFDCB proceeding which is open to the public will also be open to representatives of the news media. Representatives of the news media will be considered observers, and will not participate in matters considered by AFDCB. Members of the news media may be invited to participate in an advisory status in coordination with Public Affairs.

A1.8.2. News media interviews and releases will be handled through the Public Affairs office according to applicable service regulations.

A1.9. MINUTES.

A1.9.1. Minutes will be prepared in accordance with administrative formats for minutes and meetings prescribed by the service of the sponsoring commander ([Attachment 2](#)). The written minutes of AFDCB meetings will constitute the official record of the AFDCB proceedings. Verbatim transcripts of board meetings are not required. The reasons for approving or removing an off-limits restriction, to include a complete address of the establishment or area involved, should be indicated in the order of business. In addition, the AFDCB's action will be shown in the order of sequence of actions taken. A change in the name of an establishment or area in an off-limits restriction will also be included.

A1.9.2. Distribution of the minutes of AFDCB meetings will be limited to each voting member, sponsoring command, and commands and installations represented by the board. Each civilian and military advisory member, if deemed appropriate, may also receive a copy. Civilian and government agencies within the state in which installations are located, and have interest in the functions of the board, may receive a copy if deemed appropriate.

A1.9.3. AFDCB minutes are subject to release and disclosure in accordance with applicable service regulations and directives.

A1.9.4. Minutes and recommendations of the board will be forwarded to the installation commander for approval.

Attachment 2

SAMPLE OF AFDCB MINUTES

Date

MEMORANDUM FOR (xx)

FROM: (xx)

SUBJECT: Armed Forces Disciplinary Control Board

1. Pursuant to authority contained in AR 190-24/AFJI 31-213/OPNAVINST 1620.2A/MCO 1620.2C/and COMDINST 1620.1D, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, the (area) Armed Forces Disciplinary Control Board convened at (place), (date).

2. The following voting members were present: *(list names, titles, and addresses)*

3. The following military members were present: *(list names, titles, and addresses)*

4. The following civilian advisory members were present: *(list names, titles, and addresses)*

5. Order of business:

a. Call to order.

b. Welcome.

c. Introduction of members and guests.

d. Explanation of purpose of board.

e. Reading of minutes.

f. Unfinished business.

g. New business.

h. Closed deliberations session.

i. Recommendations.

(1) List of areas and establishments being placed in an off-limits restriction. Include complete name and address (or adequate description of an area) of any establishment.

(2) List of areas and establishments being removed from off-limits restrictions. Include complete name and address (or adequate description of an area) of any establishment listed.

(3) Other matters or problems of concern.

j. Time, date, and place for next board meeting.

k. Adjournment of the board.

(Board recorder's name)

(Rank, branch of service)

Recorder, Armed Forces Disciplinary Control Board

Approved:

(Board President's name)

(Rank, branch of service)

President, Armed Forces Disciplinary Control Board

Attachment 3

AFDCB LETTER OF NOTIFICATION SAMPLE

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

It has come to the attention of the Armed Forces Disciplinary Control Board (AFSCB) that certain conditions reported at your establishment may adversely affect the safety, health, or welfare of members of the Armed Forces.

The AFDCB is initiating action to determine whether your establishment (*area*) should be placed off-limits to members of the Armed Forces if (*cite conditions*) are not corrected by (*date*).

A representative of the AFDCB will visit your establishment to determine if steps have been taken to correct the conditions outlined above.

Sincerely

John J. Doe, Colonel, USAF

Note: Use certified mail, return receipt requested.

Attachment 4

AFDCB LETTER OF APPRECIATION SAMPLE

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

This is in reference to my letter of *(date)* concerning the conditions reported at your establishment which adversely affected the health and welfare of members of the Armed Forces.

The Board appreciates your action to correct the condition previously noted and does not contemplate further action with respect to this specific matter.

Your continued cooperation is solicited.

Sincerely

John J. Doe, Colonel, USAF

Note: Use certified mail, return receipt requested.

Attachment 5

AFDCB LETTER OF INVITATION SAMPLE

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

This is in reference to my letter of *(date)* concerning the conditions reported at your establishment which adversely affected the health and welfare of members of the Armed Forces. Information has been received by the board which indicates you have not taken adequate corrective action to eliminate the reported condition.

Reports presented to the Armed Forces Disciplinary Control Board (AFDCB) indicate *(list and describe conditions)*.

You are advised that the AFDCB will initiate action to determine whether your establishment should be declared off-limits to members of the Armed Forces.

You may appear in person, with or without counsel, before the AFDCB at its next scheduled meeting on *(date, time, and place)*. At that time, you will have the opportunity to refute the allegation, or to inform the board of any remedial action you have taken or contemplate taking to correct the condition. It is requested you inform the President of the AFDCB if you plan to attend.

Any questions regarding this matter may be addressed to Colonel Doe, *(address)*. Every effort will be made to clarify the matter for you.

Sincerely

John J. Doe, Colonel, USAF

NOTE:

Use certified mail, return receipt requested.

Attachment 6

AFDCB OFF-LIMITS APPROVAL LETTER SAMPLE

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

This letter is to inform you that your establishment has been declared off-limits to members of the Armed Forces effective *(date)*. Members of the Armed Forces are prohibited from entering your establishment (premises) as long as this order is in effect. This action is being taken because of *(state the conditions)* which are detrimental to the *(health or welfare)* of members of the Armed Forces.

This restriction will remain in effect indefinitely in accordance with established Armed Forces policy. Removal of the restriction will be considered by the Armed Forces Disciplinary Control Board upon presentation of information that satisfactory corrective action has been taken.

Correspondence appealing this action may be submitted to the President, Armed Forces Disciplinary Control Board, *(cite address)*.

Sincerely

John J. Doe, Colonel, USAF

Note: Use certified mail, return receipt requested.

Attachment 7**AFDCB LETTER OF NOTIFICATION AND CONTINUANCE OF OFF-LIMITS RESTRICTIONS AFTER APPEARANCE BEFORE THE AFDCB SAMPLE**

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

The Armed Forces Disciplinary Control Board (AFDCB) did not favorably consider your request for removal of the off-limits restriction now in effect at your establishment.

This decision does not preclude further appeals or appearances before the AFDCB at any of its scheduled meetings. Correspondence pertaining to this matter should be addressed to the President, Armed Forces Disciplinary Control Board, (*cite address*).

Correspondence appealing this action may be submitted to the President, Armed Forces Disciplinary Control Board, (*cite address*).

Sincerely

John J. Doe, Colonel, USAF

Note: Use certified mail, return receipt requested.

Attachment 8

AFDCB LETTER OF REMOVAL OF OFF-LIMITS RESTRICTION SAMPLE

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

This letter is to inform you that the off-limits restriction against (*name of establishment*) is removed effective (*date*). Members of the Armed Forces are permitted to patronize your establishment as of that date.

The corrective actions taken in response to the concerns of the Armed Forces Disciplinary Control Board are appreciated.

Sincerely

John J. Doe, Colonel, USAF

Note: Use certified mail, return receipt requested.

Attachment 9

AFDCB NOTIFICATION OF REMOVAL OF OFF-LIMITS RESTRICTION SAMPLE

(Letterhead)

Date

Colonel John J. Doe
President, Air Force Disciplinary Control Board
Malmstrom AFB MT 59402

Mr. Walter J. Jones
1234 Main
Great Falls MT 59405

Dear Mr Jones

This letter is to inform you that your request for removal of the off-limits restriction now in effect at (*name of establishment*) was favorably considered by the Armed Forces Disciplinary Control Board (AFDCB).

This restriction will be removed effective (*date*). Members of the Armed Forces will be permitted to patronize your establishment as of that date.

The corrective actions taken in response to the concerns of the AFDCB are appreciated.

Sincerely

John J. Doe, Colonel, USAF

Note: Use certified mail, return receipt requested.